

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DERRICK WILSON,

Plaintiff,

-v-

5:20-CV-1489

COUNTY OF ONONDAGA *et al.*,

Defendants.

APPEARANCES:

DERRICK WILSON
Plaintiff, Pro Se
21481-052
Yazoo City Medium
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail / Parcels
P.O. Box 5000
Yazoo City, MS 39194

OF COUNSEL:

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On December 4, 2020, *pro se* plaintiff Derrick Wilson (“plaintiff”) filed this 42 U.S.C. § 1983 action against various law enforcement officials as well as Onondaga County and the City of Syracuse alleging that all of the defendants engaged in a seventeen-year-long conspiracy to fabricate evidence and frame

him for murder. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP application”). Dkt. Nos. 2, 3.

On April 21, 2021, following an initial review of the pleading, U.S. Magistrate Judge Thérèse Wiley Dancks granted plaintiff’s IFP application and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed in part. Dkt. No. 10. Plaintiff has filed objections. Dkt. No. 11.

Upon *de novo* review of the portions to which plaintiff has objected, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. The Clerk of the Court shall provide the Superintendent of the facility that plaintiff has designated as his current location with a copy of plaintiff’s inmate authorization form (Dkt. No. 6) and notify that official that plaintiff has filed this action and is required to pay to the Northern District of New York the entire statutory filing fee of \$350 in installments, over time, pursuant to 28 U.S.C. § 1915;
3. Plaintiff’s complaint is DISMISSED IN ITS ENTIRETY against defendants Fitzpatrick, Dougherty, Doran, Ferrante, and Freedman;
4. Plaintiff’s § 1983 fabrication-of-evidence claim against defendants Proud, Lundborg, Nolan, Babbage, Collins, Galineu, Gossin, Kittel, Hilton,

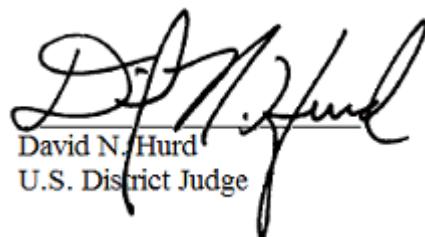
Quatrone, Corrado, Kreso, and Kurimsky in their individual capacities

SURVIVES initial review and requires a response; and

5. Plaintiff's complaint is otherwise DISMISSED WITHOUT PREJUDICE
AND WITH LEAVE TO AMEND pursuant to 28 U.S.C. § 1915(e)
and § 1915A for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED.

Dated: December 16, 2021
Utica, New York.



David N. Hurd
U.S. District Judge